

REMARKS**Claim Amendments**

Claim 1 has been amended to overcome the outstanding rejection under 35 U.S.C. § 112, second paragraph. As requested by the Examiner, withdrawn claims 20-33 have been cancelled without prejudice to the presentation thereof in one or more divisional applications. No new matter has been added by any of these amendments.

Outstanding Rejections**A. Section 112, second paragraph**

The Examiner has rejected claims 1-19 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicant respectfully traverses this rejection.

In support of the outstanding rejection, the Examiner has asserted that “it is not seen how the un-encapsulating of the data packet and placing the data packet on a broadcast medium would result in one or more routers can [sic] receive the data packet simultaneously. Note that one or more routers have not been positively recited.” In response, Applicant has amended claim 1 to recite that the broadcast medium is connected to one or more routers. Accordingly, this ground for rejection has now been obviated.

The Examiner has further asserted that “it is not seen how the selecting on the encoded packets based on encoded information in the header would result in organizing the encode information into a predetermined hierarchy of information based on the selection criteria,” In response, Applicant respectfully points out that the selection criteria correspond to the encoded information in the header of a data packet. When a packet is selected based on the encoded information in the header, it is also necessarily being selected based on the selection criteria. Thus, when packets are selected based on the encoded information, those packets are consequently

organized into a predetermined hierarchy based on the selection criteria (which corresponds to that encoded information). Applicant respectfully submits that this is perfectly clear from the present language of the claim.

For at least these reasons, withdrawal of the outstanding rejection under 35 U.S.C. § 112 is respectfully requested.

B. Woolston et al. in view of Grimes

The Examiner has rejected claims 1-19 under 35 U.S.C. § 103(a) as allegedly obvious over Woolston et al., U.S. Patent No. 6,856,967 in view of Grimes, U.S. Patent No. 6,668,058. Applicant respectfully traverses this rejection.

Woolston et al., U.S. Patent No. 6,856,967, does not qualify as prior art against the present application under any of the paragraphs of 35 U.S.C. § 102. Consequently, Woolston et al. may not form the basis of a rejection under 35 U.S.C. § 103(a). Withdrawal of the outstanding rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

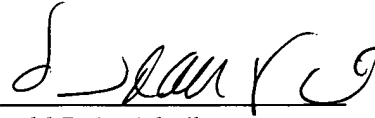
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. More specifically, Applicants submit that all of the pending claims are patentable over the references cited by the Examiner at least because none of those references, alone or in combination, teaches or suggests an apparatus, system or method in which the calibrant lies within the same optical train as the sample being examined. Favorable consideration and prompt allowance of all pending claims are therefore earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Donald R. McPhail, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136(a) is hereby made. Please charge any shortage in fees due in connection this filing, concurrent and future, to Deposit Account No. 04-1679.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. McPhail', is written over a horizontal line.

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Dated: April 16, 2008